

1 CURTIS R. TINGLEY (SBN 112322)  
ctingley@ropers.com  
2 BRUCE C. PIONTKOWSKI (SBN 152202)  
bpiontkowski@ropers.com  
3 ROPERS, MAJESKI, KOHN & BENTLEY  
80 North First Street  
4 San Jose, California 95113  
Telephone: (408) 287-6262  
5 Facsimile: (408) 918-4501

6 Attorneys for Defendants  
JOHN BARGETTO and  
7 BARGETTO'S SANTA CRUZ WINERY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11  
12 MARILYN CHURCHILL, an individual,

13 Plaintiff,

14 v.

15 JOHN BARGETTO, in his individual and  
official capacities; BARGETTO'S SANTA  
16 CRUZ WINERY, a California Corporation;  
and DOES 1 through 100, inclusive,

17 Defendants.  
18

CASE NO. C07-03007 MMC

**STIPULATION TO CONTINUE  
MEDIATION DEADLINE**

**Honorable Maxine M. Chesney**

19 Counsel for Plaintiff MARILYN CHURCHILL and Defendants JOHN BARGETTO and  
20 BARGETTO'S SANTA CRUZ WINERY (hereinafter collectively referred to as the "Parties")  
21 hereby STIPULATE as follows:

- 22 1. There is currently pending discovery that must be completed prior to a meaningful  
23 mediation including, but not limited to, the depositions of Plaintiff and Defendants, the  
24 depositions of employees of Defendant Bargetto's Santa Cruz Winery, requests for production of  
25 documents and things, requests for admissions and interrogatories;
- 26 2. The current deadline to complete the mediation session is January 31, 2008;
- 27 3. The current deadline will not allow for the completion of the necessary discovery;
- 28 4. Counsel agree that the current deadline of January 31, 2008, to complete mediation

1 should be extended to March 31, 2008, in light of the need to postpone the mediation date to  
2 complete necessary discovery.

3 5. Counsel agree that the Parties' Mediation Briefs shall be received by the mediator no  
4 later than seven (7) days prior to the date of the mediation.

5 6. Counsel agree that, in the event a scheduled mediation is cancelled or postponed by  
6 the Parties, the Parties shall notify the mediator of such cancellation or postponement no later  
7 than seven (7) days prior to the date of the scheduled mediation.

8 IT IS SO STIPULATED.

9 Dated: January 23, 2008

THE MORALES LAW FIRM

11 By: /s/ David Morales  
12 DAVID MORALES  
Attorneys for Plaintiff

14 Dated: January 22, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

16 By: /s/ Jonathan McMahon  
JONATHAN A. MCMAHON  
Attorneys for Defendants

18 I HEREBY CONSENT TO THE ABOVE STIPULATION.

19 Dated: January 24, 2008

FENWICK & WEST

21 By: /s/ William Fenwick  
22 WILLIAM FENWICK  
Mediator

24 ///

25 ///

26 ///

27 ///

28 ///

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
2 “conformed” signature (/s/) within this e-filed document.

3 Dated: January 22, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

4  
5 By: /s/ Jonathan McMahon  
6 JONATHAN A. MCMAHON  
7 Attorneys for Defendants

8 GOOD CAUSE APPEARING, it is hereby ordered that the deadline to complete  
9 mediation is March 31, 2008, that the Parties’ Mediation Briefs shall be received by the mediator  
10 no later than seven (7) days prior to the date of the mediation and that the Parties shall notify the  
11 mediator of any postponement or cancellation of a scheduled mediation no later than seven (7)  
12 days prior to the date of the scheduled mediation.

13 IT IS SO ORDERED.

14 Dated: January \_\_, 2008

15 Honorable Maxine M. Chesney  
16 JUDGE OF THE U.S. DISTRICT COURT  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Jose